

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MERCY SERVICES CORP., a California Corporation, No. C 06-00022 MHP

Plaintiff,

v.

MEMORANDUM & ORDER
Re: Notice of Removal

AARON BROOKS,

Defendant.


The notice of removal in this case is incomprehensible, and federal jurisdiction cannot be divined from it. In order to remove an action to this court, defendant must provide “a short and plain statement of the grounds for removal.” 18 U.S.C. § 1446(a). Other than defendant’s claim to the title “United States Secretary of Congress,” the notice of removal states no basis for federal jurisdiction.

A district court may remand a case *sua sponte* if subject matter jurisdiction is lacking. Kelton Arms Condominium Owners Ass’n, Inc. v. Homestead Ins. Co., 346 F.3d 1190, 1192 (9th Cir 2003). “If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” Id. Here, the underlying state court dispute is an unlawful detainer action, which involves only state law. The parties are both residents of San Francisco. Other than defendant’s facially ludicrous claim to be a federal official, no basis for federal subject

1 matter jurisdiction exists. The matter is therefore remanded to state court. The Clerk of Court shall
2 transmit forthwith to the Clerk of the Superior Court of San Francisco County a certified copy of this
3 order and shall close the file.

4
5
6 IT IS SO ORDERED.

7
8
9 Date: January 30, 2005


MARILYN HALL PATEL
United States District Judge
Northern District of California

United States District Court

For the Northern District of California